

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MONICA B. POINDEXTER,**

**Plaintiff,**

**v.**

**JACOBS CIVIL, INC.,**

**Defendant.**

**Case No. 4:06-CV-0367-DJS**

**MEMORANDUM AND ORDER**

This matter is before the Court upon the application of Monica B. Poindexter for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny her leave to proceed in forma pauperis.

**Financial Affidavit**

In her financial affidavit, plaintiff states that (1) she is employed by Lincoln Industrial and earns a monthly income of \$3,120.00; (2) she has other income in the amount of \$5,775.00 annually in child support; (3) she currently has \$280.00 in cash on hand or money in a savings or checking account; (4) she has property consisting of an automobile valued at \$16,000.00 and a home valued at \$165,000.00; (5) she has three dependents; (6) she has debts consisting of a mortgage (\$1,041.90 per month/\$109,000.00 total debt), a home equity loan (\$238.00 per month/\$12,000.00 total debt) and a bankruptcy plan (\$1,350.00 per month/total debt not stated).

**Discussion**

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give

security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. *Cross v. General Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250.00). *See* 28 U.S.C. § 1914(a).

Therefore,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [Doc. 1] be **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall have thirty (30) days from the date of this order to pay the \$250 filing fee.<sup>1</sup>

**IT IS FURTHER ORDERED** that, if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 7<sup>th</sup> day of March, 2006.

/s/Donald J. Stohr

UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Court notes that, if plaintiff pays the filing fee, she will be responsible for serving the summons and the complaint upon the defendants, *see* Fed. R. Civ. P. 4(c), or requesting that the defendants waive service of summons, *see* Fed. R. Civ. P. 4(d). Plaintiff is advised that she may seek guidance on serving the defendants from the Office of the Clerk.